

MINUTES
PLANNING BOARD
March 31, 2003

Those present: Helen Lemoine, Ann Welles, Sue Bernstein, Tom Mahoney, Larry Marsh
Also present: Jay Grande

I. Miscellaneous Administrative

222 Cochituate Road. Jay said the preferred plan is dated October 15, 2002. Jay suggested \$3,000 for the maintenance bond amount. Members agreed.

Motion that the Framingham Planning Board approve the decision of Maple Gate Realty Trust, John McKeon trustee for site plan approval for office development at 222 Cochituate Road dated March 31, 2003. Seconded by Tom Mahoney. Vote: 4-0. Larry Marsh was not present for the vote.

Brimstone OSRD, Document #387. Jay said he has inserted all the dates and the document has been reviewed. Condition #34 deals with the disposition of the open space. It does state that the applicant will draft the Conservation Restriction. It is up to the town to record that. Jay said he did note the cash payment was stated at \$10,500.

Motion that the Framingham Planning Board approve the application of Pasquale Franchi for special permit for Open Space Residential Development off Woodstock Drive and Brimstone Lane dated March 31, 2003. Seconded by Tom Mahoney. Discussion: Ann pointed to a grammatical error. Jay will correct. Vote: 4-0. Larry Marsh was not present for this vote.

501 Cochituate Road. This site is for self storage units. Document #358-03 and #359-03 were referred to. Jay said there are 3 decisions for this project. He said in this case since it is separated out, they will have to be voted separately. Attorney Barbieri said the applicant had appealed to the ZBA for an accessory use for the residential apartment for the caretaker. The ZBA said it was not necessary. The Building Department and the ZBA have exchanged correspondence on that issue and Peter thought the matter was resolved satisfactorily. The special permit is necessary because of the size of the facility.
*Larry Marsh arrived.

Motion by Tom Mahoney that the Framingham Planning Board approve the application of Premier Holding Company, LLC for a special permit for use as stated in document #380-03, with the proviso that the Administrator fill in the appropriate date for the plans. Seconded by Larry Marsh. Vote: 5-0.

Motion by Tom Mahoney that the Framingham Planning Board on the application of Premier Holding Company LLC for special permit for reduction in the required number of parking spaces at 501 Cochituate Road as stipulated in document #381-

03 and proviso that the Administrator fill in the dates accordingly. Seconded by Sue Bernstein. Vote: 5-0.

Motion by Tom Mahoney that the Framingham Planning Board approve the application of Premier Holding Company LLC for site plan approval and public way access at 501 Cochituate Road as stipulated in document #382-03 and with the addition of filling in dates by the Administrator. Seconded by Sue Bernstein. Vote: 5-0.

281-283 Concord Street. Jay referred to Document #386-03 and 377-03. The site is for a dry-cleaning business. Attorney Barbieri said the changes requested by Ann were incorporated. Jay said the hearing was closed at a previous meeting. Jay said he would insert the dates. It was noted that the improvements have to be done prior to occupancy but there are no bonds required. Irrigation is included in the decision document. Paragraph #10 allows for irrigation. Jay asked that a provision for bonding be included in paragraph #21 for any incomplete landscaping. Peter was agreeable.

Motion by Ann Welles that the Framingham Planning Board approve the application of LC Realty Trust special permit for the reduction in the required number of parking spaces in the site plan review as shown in document #386-03 and the decision currently dated February 25th to be changed to March 31, 2003 with the addition of the dates to be inserted throughout the document by the Administrator and the clause in paragraph #21 allowing for bonding for completion for uncompleted work. Seconded by Tom Mahoney. Vote: 5-0.

58 Park Street. Jay referred Board members to Document #384-03 and #383-03. The Fire Department has approved the revised site plan. The Town Engineer has also stated his satisfaction. Jay said when the Board reviewed the decision, they did ask that the applicant be responsible for snow removal. There is a reference to that requirement. The revised date of the site plan is not shown on the decision but Jay said he would insert that. They are seeking a reduction of 20 spaces. It will be a carpenter's workshop and there is a letter from the Police Department regarding parking availability in the area. The bonding amount for maintenance should be \$3,000, Jay said. The parking calculations will be inserted in both documents.

Motion by Tom Mahoney that the Framingham Planning Board approve the application of Union Avenue Realty Trust and Lori Davis for site plan approval for the office development at 58 Park Street as indicated and amended here tonight in document #383-03. Seconded by Ann Welles. Vote: 4-0. Larry Marsh did not sit on this hearing.

Motion by Tom Mahoney that the Framingham Planning Board approve the application of Union Avenue Realty Trust and Lori Davis for special permit for exemption in the required number of parking spaces for office development at 58 Park Street as indicated and amended here tonight in document #384-03. Seconded by Ann Welles. Vote: 4-0. Larry Marsh did not sit on this hearing.

1 II. Continued Public Hearing for Special Permit for Planned Unit Development,
2 Villages at Danforth Farm off Danforth Street

3
4 Helen said that the draft decision document has been reviewed by all Board members
5 during the past week and changes and comments received have been incorporated into
6 the document. Town Counsel has also requested a number of changes and Jay has
7 inserted those into the document as well. Helen said document #394 from SEA, #391
8 from GPI, and package of correspondence Jay received electronically should be noted for
9 the record. Jay said all correspondence and PUD related documents are noted in the
10 record. There is correspondence from Ryan Associates with modifications to the
11 calculations for acreage which is 107.2. VHB is showing 105.4 acres. He said that
12 discrepancy will be corrected and reflected in the decision document.

13
14 Jay referred members to a footnote at the end of the document stating phase 1 as defined
15 at completion at the 50% level. In looking at GPI's letter, that notation needs to be
16 corrected to show that GPI is recommending that once Phase 1 is defined as completion,
17 all the traffic mitigation called out in Phase 1 needs to be completed prior to the issuance
18 of any occupancy permit for any of the units. He said phase 2 improvements need to be
19 completed when 50% of the units are occupied. If Wayland does not accept a signal at
20 the recommended location by GPI, the traffic mitigation commitments will have to be
21 revisited in order to determine the new locations for two traffic signals along OCP.
22 Document #391 will be referred to and included in the decision. Sue said the sidewalk
23 issue on OCP should be inserted in Exhibit A. Heather was present from GPI to address
24 any issues regarding traffic. Sue said there was an estimated cost of traffic mitigation of
25 2.3 million dollars. She asked given that it may be several years out, are there
26 contingencies factors built into that. Scott Weiss of VHB said there was a contingency
27 built in. An escalation factor was not. He thought the contingency factor was adequate
28 for a number of years. It is a contingency of 25%. Jay said they were responsible for the
29 work regardless of the cost. Helen said 10-15% is typical for most decisions the Board
30 approves.

31
32 Helen referred to document #394, March 31st letter to the Board from SEA Consultants.
33 Paul Brinkman of SEA was present. Paul distributed minor revisions. Paul said SEA
34 was hired to review the project with respect to water, waste water and concerns regarding
35 the town wells located near the project. The letter represents a summary of their findings
36 and determinations. Paul said there hasn't been any major changes in the way the off-site
37 and on-site waste water system. It is basically one pump station to serve a good portion
38 of the property. They looked at the way the property sits and the number of gravity
39 sewers that could service the site and there was no way to have gravity sewer service that
40 area. It does require a pump station. They studied the way the pipes come off site and
41 they are relocating several houses on Meadow and Hillside to take them off a siphon that
42 is used elsewhere in the town. He thought that would reduce the amount of flow in the
43 short term basis. The piping network is proposed to go down Meadow, then to Hillside
44 and cross over the new bridge. They are showing the pipe at a higher elevation so it does
45 not hang in the existing stream as the pipe does presently. In terms of mitigation, there
46 are several definitive plan submittal requirements. There are some items mentioned for

1 the covenant agreement. Since the town will not be taking over the system, there needs to
2 be an assurances to the DPW and town that it is maintained in perpetuity. Paul said there
3 had to be some consideration to mitigate the impacts of sulfides into the system. He
4 believed that the best way to take care of that is to look at the area alone. The covenant
5 agreement and final plans for the development will be such that their system will not
6 impact sulfide at the discharge point at Meadow Street. He said their sewage will have
7 impacts farther in the system so they are looking at ways to reduce the load as a result of
8 their development within that general area.

9
10 Paul said they have looked at several areas where that can be accomplished. One area is a
11 local pump station that serves a small number of dwellings but represents an O&M
12 problem for the town and the station has reached the end of it's life. It is something that
13 can come off the system. Long term, the Saxonville pump station will be reconfigured.
14 He said that was a very large capital expense. He thought the other mitigation should
15 reduce the long term sulfide from the area. With regard to the sulfide and additional
16 flows from the project, SEA has made a request that the proponent contribute toward the
17 purchase of sewer cleaning equipment. A lot of the pipes they will be using allows large
18 flow and he said it is important that those pipes be clean so they can convey the sewage.
19 Additionally the equipment will be used to reduce sulfide and will reduce the O&M to
20 the system. Paul said future permitting requirements were listed to inform the proponent
21 that because of the construction, it is important that the town be able to watch it being
22 installed. It is 2500' of water and sewer lines. In terms of water system, there are few
23 upgrades that are proposed and needed. They are proposing to increase the size of the
24 pipe to 8". Paul thought that was adequate. SEA also will require a computerized model
25 of the system and area. Regarding the water supply, SEA did some analysis and
26 determined there is a good possibility that the town will be able to reactivate the wells to
27 service part of the water supply. As a result of that, the development should stay out of
28 those forbidden areas. That is basically the zone-1, i.e. 400' setback from those wells.
29 Paul said several recommendations were made in that regard. Delineating parking in that
30 area, studying the soils that get placed in that area, are all things to be considered at that
31 point. The sum of mitigation requested is 1.2 million dollars, Paul said.

32
33 Paul said there have been discussions concerning implementation because the things
34 should happen in a timely manner. There is a timeliness that these things must be done
35 so that it improves the system before it starts to impact the system. Implementation of
36 those improvements is addressed in the document. Looking at the project and
37 understanding the impacts on the town, Paul wanted to make sure all the topics pertinent
38 to this project were covered. Sue asked if the applicant agreed to the items as ones they
39 want to enter into covenant agreement on. Jack O'Neil said yes. It was understood by
40 the applicant that any street where the street is dug up to install water/sewer lines, the
41 street will be repaved. The estimate of I&I fees was \$720,000 approximately. That is
42 above the 1.2 million quoted above. The covenant agreements have not been drafted yet.
43 Peter said they will be in the homeowners association documents and referenced in the
44 decision. Peter said most of the issues were addressed earlier but what is included in the
45 March 31st letter is the timing issue and dollar detail. Larry said he had requested a list of
46 all of the elements that have to be done. Jack said they have that letter. It is a phasing

1 plan that addresses the units, off-site improvements and water/sewer improvements. Tom
2 said relative to the on-site pumping station, the question was raised by Wayland that it is
3 in their zone-2. Paul asked for the specific concern. Jack said the question was raised that
4 the pump station was in the zone-2 of their aquifer limits. Mike Tucker from VHB said
5 that pump stations are allowed in zone-2 of a public water supply well according to MGL
6 regulations.

7
8 Ann asked when they anticipated removing the sewer line under the Danforth Bridge.
9 Jack said it is in accordance with the schedule presented by SEA. It is required to be done
10 prior to receiving an occupancy permit in phase 1. That can be coordinated with the
11 restoration to that bridge, Jack said. Ann asked what degree the project would be sulfide
12 neutral. Mike said the development itself at the discharge point will not have sulfide in it.
13 It does not mean that when it interacts with other sewage within the system elsewhere
14 along the line will not have sulfide in it. Ann asked if language was necessary in the
15 decision regarding the protection of the monitoring wells. Paul said the monitoring wells
16 are related to the contamination and that becomes the responsibility of the person who is
17 responsible for the pollution that occurred. As long as they are required to maintain the
18 monitoring wells as part of the mass contingency plan, National Development should not
19 disturb them. Peter said when they submit the definitive plan for the area is their burden
20 to prove they are not disturbing them.

21
22 Peter Sellers, DPW Director addressed the Board. Peter said he was satisfied with the
23 report presented by SEA. He said internal to the development, they used best
24 management practices standard and SEA put in place stringent guidelines. Peter said he
25 felt confident that what is being proposed mitigates the 700 units being proposed. Peter
26 said the infrastructure is protected and the project will have minimal impact on the waste
27 water and water system and supply. Helen referred to a letter from Frank Reilly,
28 document #353. Frank said he was pleased with the report to this point. He asked if the
29 sulfide treatment at the pump station on the site was done by chemical control. He said it
30 was not clear to him if mitigation was paid up front. Paul said the design will combine
31 several elements to mitigate odor and corrosion, such as the size of the well, the size of
32 the force main, a monitoring manhole at the end of the pipe and the requirement to add
33 the nutrient solution to tune the system to ensure there isn't any sulfide. Jack said the
34 mitigation funds are phased to coincide with the impacts they are making to the system.
35 There are \$335,000 paid as part of Phase 1 prior the issuance for permits for construction.
36 An additional \$500,000 January 1, 2005 and balance by January 1, 2006. Jack said they
37 are not tied to a building permit being issued. The total investment in water/sewer
38 infrastructure including I&I is approximately 3 million dollars. Jay said the SEA letter
39 should be referred to in the document as Exhibit C. GPI letter will be part of Exhibit A.
40 The letter from Ryan Associates will be Exhibit B. Jack asked Paul Brinkman or Peter
41 Sellers to clarify the payment of the pump station and balance of the improvements.
42 Peter said the \$335,000 was anticipated by December 31, 2005 and that would be
43 contingent upon having issued a building permit for any phase. The other projects were
44 dated such that the money was made available to allow the work to be done including
45 design work for the stations. Peter said the second set of the money was released on
46 January 1, 2005, that would still give 6 months to design that. The third piece was tied to

1 a date specific. Jack said he had no problem with the dates set forth but wanted to make
2 sure the latter 2 payments were tied to the issuance of building permit. Raphael St.Pierre
3 asked about the repaving of streets when the work has been done. Jack said it would be
4 curb to curb paving and not patching. Carol Spack addressed the Board. She asked if the
5 assumptions prove to be incorrect, what protection that town had. Carol asked what the
6 remedies are for the town if the entity does not exist later in the development. Paul said
7 when the proponent spoke about the sewer route, they studied the pipes existing in the
8 town and as part of their receiving a permit to do any work they will have to show the
9 camera work showing the system is sufficient to handle the flows. If not, they will be
10 required to increase the size of the pipes. Peter said there is an agreement with the Board
11 of Selectmen and this Board to ensure that before building permits those legal documents
12 establishing covenants and maintenance agreements have to be approved by the town. A
13 speaker asked if a bond would be in place to protect the town if the sewer pipes are not
14 up to specifications after the project was complete. Peter said that in addition to bonds
15 required by the Planning Board, there is a permitting process that DPW has to issue for
16 extension of the sewer. It is during those agreements and discussions that bonding issues
17 are addressed, Peter said. When new sewer systems are put in, the trench is done and
18 pipe is installed, the town does do an inspection at that point.

19
20 Jay thought it appropriate to review the phasing plan at this point. Helen said it outlines
21 the start/completion construction times, mitigation at each phase, etc. Jack O'Neil said
22 the phasing plan is broken into 5 phases. At each phase, the number of units, type of
23 units, anticipated construction start date, anticipated completion date, listing of traffic
24 improvements required as part of that phase and a listing of utility mitigation required.
25 The dollar values are included in the separate exhibits to the decision, he said. Jack said
26 they are showing a start date of March 2004. The completion date is February 2015
27 which ties into the 12 year horizon. Jay said it would be exhibit D. Larry thought the
28 document simplifies the mitigation. He asked Jack to clarify at what point the
29 commercial space would be built. Jack said the most recent draft of the decision
30 contemplates the location of the commercial space being identified in phase 1. Larry
31 asked when transferring responsibility of open space occurs. It will occur incrementally
32 during different phases, Jack said. There are certain approvals that may or may not be
33 required by the ConCom during the phases and they would deal with restrictive
34 covenants at that time. Larry said the original decision document there was confusion as
35 to the open space vs. public space. Jack said the public open space is defined as the
36 "wetland areas", i.e. riverfront, canoe landing, trail systems, etc. It includes the oxbow
37 which is part of a separate agreement which is 30 acres. The other common open space
38 correlate with the phase and are part of the homeowners documents relative to
39 maintaining it. Larry was concerned with the public open space. Jack said that could be
40 dealt with in phase 1.

41
42 Helen said there is a letter from the Conservation Agent who said she would like to
43 review it at each phase and not up front in the special permit. Larry asked why it needed
44 to be dealt with in phases. Jack said there would be construction going on during the
45 phases and the trails will need to go in. Jay said it was tied to the definitive development
46 plan submittal but it is not in the aggregate. At this point, it is going to be incremental.

1 Mike identified where the public open space would be located on the plan. It is 22 acres
2 within the PUD. The oxbow is 30 acres outside the PUD. Jay said the condition relies
3 on the plan in terms of delineating those spaces. Without the trails, there will be little
4 opportunity reach the public open space, Sue said. Jack said they are going to want the
5 open spaces open as soon as possible for the residents. The timing has not been defined.
6 Larry said part of the issue he had was this is a development that is in 5 phases over 10
7 years.

8
9 Richard Paul addressed the Board. He said regarding the proposal to have a traffic light
10 at OCP/School Street, he was opposed to that suggestion. He asked if it involved land
11 taking at that intersection. There will not be any landtakings. Sue said that was the last
12 item in the program and she thought there was discussion that as the project goes through,
13 the next phases of mitigation would be reviewed. At that point, it could be determined to
14 be not necessary. The Board retains jurisdiction at each phase, Helen said. Helen said at
15 the last meeting the Board had made a tentative agreement with the developer on the
16 truck route for construction vehicles. Dick said it on line 902-904 of draft decision. It is
17 condition #39. Dick suggested that the Board look at the language restricting truck traffic
18 to the MWRA truck route. He said it limits the truck traffic to exit the site through
19 Riverpath, turn right onto OCP, left onto Speen Street, right onto Route 30 and then enter
20 the Pike. He did not think that route was favorable. He thought it protects Wayland but
21 not Framingham. It forces all truck traffic to traverse in front of residential dwellings in
22 Framingham. He asked that the provision be removed. Helen and Sue stated they agreed
23 with those sentiments. Dick said in regards to buffers on Meadow and Derby Street, he
24 asked the Board to consider buffers along OCP.

25
26 Tom Ryan was present as the Board's 593 Consultant. Jay said a letter was received
27 relative to the land calculations and compliance with the PUD regulations. In terms of
28 site design related issues, the Board received a memo and graphic presentation which is
29 referenced in the decision. It will also be an exhibit to the decision. The reference will be
30 the document dated March 23rd. Tom said he did get the GIS information. They arrived
31 at a slightly larger developable area than VHB. Tom said there were 2 access roads in the
32 GIS database that were included in the PUD. One was Derby and the other was from the
33 gas station to the entrance road and he suggested that was where the difference was
34 between their calculations and VHB. He said that theoretically it was less than 1%. Peter
35 said they calculated 107.6 and Tom Ryan indicates 107.4. The developable acres
36 eliminate the wetlands. Larry asked about the relocation of the MWRA easement. Tom
37 said there is a deeded access easement and rather than cut across the property, it made
38 sense to relocate it to follow the roadway. Jack said he thought it was something that
39 could be dealt with in future design phases. The MWRA does not use that for access to
40 their property any longer, he said so it was probably feasible.

41
42 Debbie Cleveland addressed the Board. She asked about alternative access roads and
43 using the roadway to the gravel pit for truck traffic. She said was in agreement with
44 changing the mandate for truck traffic to utilize the MWRA truck route. Debbie said in
45 condition 30, it says that the open space will be available to either or the general public or
46 homeowners associations. Jack said it should say public open space. John Stasik

1 addressed the Board. He said he appreciated the inclusion of the sense of neighborhood
2 and Saxonville in the document. He thought that was an important design feature. John
3 referred to the section entitled purpose and intent, line 312. John suggested the Board
4 add a statement similar to the one in line 331. It would state the board reserves the right
5 to review during the definitive design phases whether the PUD promotes an adequate
6 sense of neighborhood, etc. John asked for the distinction between common and public
7 open space. Helen said one could not play tennis on their tennis courts. John asked if the
8 public could picnic in their public space. Jack said they do not intend to put any
9 prohibition on that activity in that agreement. Dana Faulk addressed the Board. He
10 resides at 9 Stonebridge in Wayland. He was asked to address the Board later. Betty
11 Cummings, 200 School Street, addressed the Board. She wondered if the Board members
12 and applicant were willing to reduce the number of units that would effect the traffic and
13 provide more public space, etc. Helen said the issue of density would be discussed later
14 in the evening. Frank Reilly addressed the Board. He referred to page 1, line 18. It
15 shows the bounds as on the assessor's map but on the original vote of Town Meeting, the
16 bounds are in the article. The bounds are slightly different, he said. Peter said from the
17 viewpoint of zoning requirements and notice to abutters, the applicant is required to
18 identify the parcels according to present assessors map. Peter said it is in every decision
19 of the ZBA and Planning Board because that is the statutory requirements.

20
21 Greg Doyle addressed the Board. He distributed a letter to the Board with new comments
22 for the record. Greg thought there were unresolved issues with the master plan and
23 requested the public hearing be continued until all significant issues were addressed. He
24 said it was necessary to downsize the development to 150-204 units. Traffic impacts are
25 also a concern and he noted the failing operations at OCP and Riverpath. Greg said they
26 have hired their own traffic engineer who states that with considerable downsizing,
27 higher levels of service could be achieved. They have issued some of their findings to
28 MEPA, he said. Greg disputed the average daily trip calculations. He said a
29 reconfiguration of Hialeah was necessary for any development that goes on the site. That
30 would allow a physical deterrent of traffic. Greg said it was unclear where pedestrian
31 access would be provided. He thought it made sense to allow pedestrian access around
32 the exterior of the site to provide access to the interior. He said it was his understanding
33 that access would be restricted via Riverpath and Hialeah. He said that was recommended
34 by his traffic consultant and the traffic consultant for the town. He said he was disturbed
35 that the decision states the board reserves the right to review whether additional access
36 roads will be appropriate. He said that language needs to be removed. Todd Robecki
37 addressed the Board. Todd commented he did not think the process had been rushed. He
38 was hopeful that an option was left open to reconsider the issue of as many egress and
39 access points as possible. Todd urged the Board to approve the project so the review
40 project can continue. He thought the proposal was of high quality. A male speaker said a
41 referendum is still in process and the signatures have not been certified. A vote to pass
42 this would be in direct conflict with the acts of 1949, he said.

43
44 Larry referred to a letter from Metrowest Growth Management dated March 27th. One of
45 the issues raised in the letter was public transportation. A second area was in pedestrian
46 traffic and vehicle trips. Larry thought they were good comments to incorporate. The

1 Board addressed many impacts from the project but the age restricted population was not
2 addressed adequately, Larry thought. There are over 11,000 senior residents in town. He
3 said this development may attract more and he suggested that in going through the
4 decision, to keep in mind that population in relation to the LIFT bus and affordable
5 housing.

6
7 **Motion by Ann Welles that the Framingham Planning Board close the public**
8 **hearing. Seconded by Sue Bernstein.** Discussion: Helen said this is the 17th public
9 hearing and the process has been long and arduous. Helen said comments have been
10 heard on both sides regarding opposition and those in favor of the development. The
11 reason the Board has reviewed the project over the last 10 months, Town Meeting has
12 endorsed the project by more than 2/3 vote each time it has been heard. When it began in
13 1989, they worked hard to develop a by-law that passed by a 2/3 margin. Ten years later
14 when it was endorsed again for an extension, Town Meeting voted it overwhelmingly.
15 Helen said the role of the Planning Board is to follow the rules and understanding the
16 rules is a complicated process. Helen said that the first draft was distributed last week
17 and for the past week, Board members have gone through to draft and incorporated
18 comments, etc. The deliberation process is long and tedious in that each line is reviewed
19 in that document, she said. The process is not a public hearing for comment. It is a
20 process that the Board goes through. **Vote: 5-0.**

21
22 Helen said on a point of order, all the information from all the documents entered into
23 the record will be deliberated. Helen said the document is #393-03. The document is in
24 the same format that all special permits are in. The Board will go paragraph to
25 paragraph, line by line. It is done in conjunction with the applicant, she said. The Board
26 will not be doing things like grammar and spelling changes but will get to the heart of the
27 matters. The Board will go through the document and if it is not finished this evening, it
28 will be discussed at a date certain. No new information can be added at this point, Helen
29 said.

30
31 Page 1: Peter said based on comments with Jay, there was some consideration by the
32 Board that the commercial establishment does not require a special permit. If that is the
33 conclusion the reference to the increase in commercial space in the shaded section of the
34 decision should be deleted. Jay agreed. Larry said the name of the project "Villages at
35 Danforth Farm" should be in the header. Larry said this is the beginning of the process.
36 When the Board finishes the special permit, each individual phase will be reviewed
37 individually with site plan, permitting and other permits that may be appropriate phase by
38 phase.

39
40 Line 30, delete June 30, 2002. It is referenced above. Line 33, March 25, 2003 and
41 March 31, 2003 are the dates. Line 18, where it states 698 units, Helen said the Board
42 has been clear that it will make decisions regarding density after discussion. In having
43 discussions with the applicants, Helen asked if they were willing to reduce the number of
44 units. 698 units is 5% lower than what is allowed within context of the PUD by-law, she
45 said. Town Meeting in 1989, originally endorsed 735 units. Helen said the applicant has
46 been asked if they would be amenable to reduce the number of units again. Jack said

1 they would be agreeable to reduce it by 5% or 665 units. The condominium units would
2 be where the units were reduced. Rental, age qualified and single family home units
3 would not be reduced. Sue appreciated the reduction. Further she noted that the more
4 reductions that are made, affect the mitigation dollars proposed. Tom said he appreciated
5 the reduction as well and thought the integration of the units into the landscape was well
6 thought out. He thought the reduction translated into more green space. Larry said he
7 was not concerned about the number of units proposed. He said he visited other projects
8 over the weekend that are similar to what is being proposed here and had a better
9 indication of what a planned unit development was. Tom Ryan had suggested that
10 density not be the major issue the Board be concerned with and Larry said he was more
11 concerned about the impacts. He thought the Board did a thorough job trying to address
12 that as a Board. He thought the development was going to be a first class development.
13 Ann agreed with Larry's comments. She pointed that one of the hidden benefits was
14 Saxonville may never be threatened with the closing of a library. Helen said that
15 comments were received by Town Counsel and they are incorporated.

16
17 Page 2: Sue said now where there are names to the various plans, she thought it helpful
18 to put those labels on the actual plan. Peter thought that was typical. The site plans are
19 referred to as "the plan". Jay said the Metrowest Growth Management letter needs to be
20 referenced in the list of documents. The GPI letter will be part of the exhibits.

21
22 Page 3: There is one date that Jay needs to insert.

23
24 Page 4: At the bottom of the page, the number of units needs to be changed from 698 to
25 665. Peter said some of the discussion was what was presented and what was proposed.
26 The last sentence should reflect the modification to 348 condominium units for a total of
27 665 units. Where ever it states square feet will be changed to acreage.

28
29 Page 5: Line 130, 131: Sue suggested it be changed to the exact number of each will be
30 determined at the time the definitive development plans are reviewed by the Planning
31 Board and strike the words "market conditions". Line 120: Ann said to eliminate
32 vehicular access from Derby Street altogether.

33
34 Page 6: Wherever there is square footage stated, it should state the land in acreage.
35 Commercial space remains the same. Line 167: Language was written allowing the 4000
36 square foot use for commercial space. It will not require a special permit from the
37 Planning Board. Line 176: The calculation is 77.4 for the common open space. Larry
38 asked if the acreage for the wetlands could be added. A sentence will be added to reflect
39 the 22.2 acres of public open space. At the bottom of the page, the phasing plan should
40 state as depicted on exhibit C.

41
42 Page 7: Line 194: states 4 phases and the phasing plan shows 5 phases. Larry said
43 while it was not inconsistent it should say 5 phases as outlined in exhibit C. The
44 applicant agreed. Line 209: the sidewalks along OCP need to be added. Line 204: Sue
45 asked that a reference to exhibit A be inserted.

1 Page 8: No changes. One typographical error was corrected.

2
3 Page 9: There were small word changes.

4
5 Page 10: Line 293: Ann asked for insertion of “protected as outlined” and “of the sewer
6 line presently connected”. Line 311: Add date of March 23rd to Tom Ryan’s letter. Line
7 313: add “shall be designed to preserve and protect”. John Stasik, Jack O’Neil and
8 Board members reviewed language regarding the sense of neighborhood. After
9 discussion it was determined to insert “That the Board reserves the right during the
10 definitive design phase to review whether the design promotes a sense of neighborhood
11 and connectivity for the greater Saxonville neighborhood and make changes where
12 appropriate.” Members agreed with inserting that language. Line 319: GPI’s traffic
13 review is exhibit A and Larry suggested adding a reference. Helen said it is referred to
14 on line 329. It is also set forth in exhibit C. Line 344-350: This refers to reserving the
15 right to look at additional access on existing streets. The word “would” will be changed
16 to “may”.

17
18 Page 11: Jack said in answering a question they are outside the flood plain and the river
19 protection zone with a few minor exceptions where the area has already been disturbed.
20 Helen said there were no reasons to have comments from the Conservation Agent stated
21 here. There are no written comments at this time, Jay said. It was an oral presentation at
22 the staff meeting.

23
24 Page 12: Line 56: insert “Massachusetts department”.

25
26 Page 13: Lighting comments were addressed in line 372, Jay said. Line 386: The
27 number should be 23. Line 383: Based on the fiscal impact statement, that sentence can
28 be deleted. Members agreed. The estimated cost of the project remains. Line 400 states
29 the revenues to the town. The net surplus is stated on line 401. Larry asked about
30 referencing the map from Tom Ryan as an exhibit. Jack said that was to determine the
31 developable land area. His letter however is referenced. Peter said to include a sentence
32 after the sentence regarding the fiscal impact statement stating that “The further reduction
33 in the number of units does not significantly impact the financial analysis and will still
34 result in a positive impact.” Members agreed. The development fiscal impact statement
35 is in the file, Jay said but is not noted on the list of documents on page 2. The by-law
36 speaks about visual buffers. Ann said it is meant that there is a meant to say there was a
37 logical segway to unit sizes so one of the preexisting smaller homes and a larger PUD
38 building on top of it. She suggested adding “visually buffered” on Line 412. The
39 confusion is that individuals tend to think of it as a physical buffer. Ann said it isn’t
40 intended to be mitigation as much as it is good quality design.

41
42 Page 14: Line 424: change “affects” to “effects”. Line 435: “The plan which is
43 consistent with the 1989 approval” should say the “The agreed upon density is consistent
44 with the 1989...” Line 437: reference Tom Ryan’s report in exhibit B.

1 Page 15: Larry said parking for the age restricted units was addressed on an earlier draft
2 and asked where it was in this draft. Helen said it was in the document. Larry wanted it
3 addressed as part of the standards. The way the by-law reads it states one parking space
4 per unit plus one per ten units, Larry said. Sue said it was addressed on page 18. Line
5 571, 572: Larry agreed it was adequately addressed at that point. He asked why it was
6 addressed in the findings and not the statements. Ann said section 5 of the by-law
7 requires it be put in that context and terms. It is a special permit finding. Larry
8 concurred. Line 451: add the word "proposed" before the words parking along the
9 street. Line 452: The word because should be capitalized. Helen referred to Section
10 3.J.9.k.: Line 479: the first word has a typo. Line 470: The sentence states "The
11 location of the primary streets". Primary means Riverpath and Hialeah Lane.

12
13 Page 16: Paragraph 4, change 698 units. Ann asked where the canoe landing was
14 moved to. It was moved to line 484, 485. Public access to the canoe landing is in the
15 conditions, Jay said. The trail system was removed as well. The plan identifies public
16 open space and it is in condition #30. Line 830, page 27: Town Counsel asked for
17 language stating "guaranteed public access". Jack said he had a problem with "common
18 open space". He said it should state "public open space." Trail systems and canoe
19 landings are not specifically called out in this document. Jay said canoe is not necessarily
20 public. Ann said it was intended to be public. Peter said in condition #31, that
21 distinction that they be available to the public could be spelled out. Section 4: the
22 number of units changes. Section 5, Sue asked if the phasing plan needed to be referred to
23 as an exhibit. Ann thought that was already an exhibit. Jay said it was exhibit C. Jack
24 said it would be helpful to have a table of exhibits. Helen agreed.

25
26 Page 17: Item #7, Exhibit D for SEA and A for GPI should be referenced. Item #9:
27 Line 536: Board also acknowledges there is a sand and gravel operation on the premises.
28 Board members stated a new sentence "Upon issuance of the building permit for Phase 1,
29 all sand and gravel operations shall cease."

30
31 Page 18: Town Counsel references page 18, general provisions and he has several
32 language recommendations. The last condition (#40) reflect those comments, Jay said.
33 Line 546: it should be the final number. Line 555: The date does not need to be
34 repeated as it was in section 1. The date will be in the permitted file. Line 556: Delete
35 word proposed and state "the development as approved only includes 665 units."
36 Section B: Line 574: change word "elderly" to over 55 or age qualified. Line 573
37 addresses parking for age qualified units.

38
39 Page 19: Section C: Sue said a suggestion was made to reference the Fire Department
40 in this section. Jay said the Fire Department sent two letters dated closely together. Sue
41 thought they should be referenced. Jay suggested referencing the March 25th letter.
42 Members agreed to put the reference under the Fire Protection section. Line 607: Delete
43 words "as well as the public".

44
45 Page 20: No changes.
46

1 Page 21 & 22: Minor changes from Town Counsel were incorporated. No bonding
2 issues are addressed. Peter said they are addressed in Section 9. Line 659: add “ which
3 also includes the correspondence from GPI dated March 31, 2003.” The bonding section
4 is Line 680. Line 665 was language inserted by Town Counsel. Add the words “after
5 such specific actions proposed by the applicant”. Line 669: Jack thought the language
6 was awkward. Larry said Art Scarneo’s concern was if the town of Wayland does not
7 agree to installing a traffic signal there, the traffic mitigation needs to be looked again.
8 Jack said he was not against that. The sentence will read: “The Planning Board shall
9 within 30 days of notice of written notice of the applicant of the town of Wayland’s
10 inaction, review with the applicant...” Jay said if the alternate location was OCP and
11 Riverpath, was that a credit. Jack said the improvements at OCP were part of the
12 mitigation. Larry said he was fine with that but the next paragraph was not clear. Line
13 675: If the town of Wayland or Mass Highway does not approve the request for
14 mitigation for those traffic lights, what is the trigger point, Larry asked. Peter said it was
15 the applicant’s obligation to file plans with them and Jay said on the exhibit it is tied to
16 the building permit. Sue said if Wayland says no, the Board will look at alternatives. The
17 Commonwealth is not involved because there are no state roads. Sue said the Board
18 would like the applicant to get their approvals for the mitigation prior to getting a
19 building permit. Line 679: Peter said he thought that permitting was addressed in that
20 language and suggested the addition of language “The applicant shall prior to the
21 issuance of building permit for Phase 1, obtain all appropriate approvals for the Phase 1
22 traffic improvements and provide a performance bond acceptable to...”. Line 686 will
23 reflect the same language.
24

25 Larry said there were 2.7 million dollars in mitigation and the specifics are called out in
26 the phases. There is \$400,000 that is to be used for further studies as needed, Larry said
27 and he was concerned that it was not separated out. Jack said they are obligated to do the
28 scope and that is estimated to be \$2.7 million including the 25% contingency. Larry said
29 \$2.3 million was for assigned mitigation and \$400,000 was for unassigned mitigation.
30 Ann thought it was the Board’s obligation to apply that \$400,000 to traffic mitigation.
31 Larry said the \$400,000 should be separated out as a separate account of money and not
32 specified out as assigned mitigation. Ann disagreed. Larry thought the minutes of the
33 meeting show those funds as unassigned. Jay said exhibit A shows the dollar amounts
34 and how those funds were separated out. Larry said those funds should be available to
35 look at other intersections that were not originally included or intended. Ann said the by-
36 law should support that \$400,000 for non-traffic related mitigation. Larry did not think it
37 was non-traffic but was interested in seeing it set aside, regardless of the actual cost of
38 the assigned mitigation. Peter said the exhibit from Art does not include the cost of the
39 sidewalk on OCP. The cost of that sidewalk was not known. Larry said that was a type of
40 thing he was talking about. Peter said part of Art’s other recommendation was at OCP
41 and Riverpath as well as School and Hamilton. The monitoring and future mitigation as
42 necessary is not shown in any numbers, Peter said. Larry concurred that the monitoring
43 costs are an unknown. Jay said at the meeting of February 25th there was a discussion of
44 setting aside a reserve to gap finance some of the intersections. Ann did not agree
45 philosophically. Larry agreed that you could not have undefined mitigation. Peter said
46 they understood the ceiling put on the mitigation was \$2.7 million. Larry said the Board

1 only identified \$2.3 million plus the sidewalk on OCP. Sue said the difficulty is that in
2 the undefined portion and the actual mitigation comes to the \$2.7 and the Board identifies
3 another area, there are no funds to do the work.

4
5 Page 23: Sections 12 and 13 reflect changes inserted by Town Counsel. Condition #11
6 and #14 were inserted by Town Counsel. In condition #18 change units to 665.
7 Condition #20: Tom wanted to be more specific. It states no idling of trucks but it should
8 state "on public streets". In 21.G. it should state "in the" rather than "this".

9
10 Sue asked what the easement to the town referred to. Jack said it was for the public open
11 space. Jack suggested language: "The applicant shall grant to the town to be used by the
12 public of the public open space, trails, canoe launch area and parking to be used by the
13 public." Condition 26: The date should be March 23rd, exhibit B. Jack requested that the
14 words "utilized it's best efforts" be changed to say "to the extent feasible". Jack said best
15 efforts could be left to interpretation. Condition #27 and 28 will reference exhibit C.
16 Line 823: Should say "the public open space areas shall be available." Line 824:
17 Language should read: "members of the general public and the homeowners
18 association". Condition #30: public pedestrian access was inserted by Town Counsel.
19 Ann suggested striking the word "pedestrian". Tom asked about handicap accessibility to
20 the trails. Sue said there are other regulations that take precedence. Peter said he
21 thought there was a difference if it was a town building as opposed to private property.
22 The Getchell trail is not handicap accessible, Todd Robeck said. Tom said there are
23 portions of the trail that should be accessible. "The trail system or portions thereof.." will
24 be inserted.

25
26 Larry asked if the conveyance of the public space was spelled out. Helen said it is
27 spelled out in the phases. Condition #33 starts to address that, Peter said. They intend to
28 maintain the trail system as public space. He said there is no maintenance to the
29 wetlands. They are taking responsibility for the canoe launch as public space. Jack said
30 he would like to delete that language. Condition #32: Stricken. Line #863 should say
31 "in all cases." Under the title Fire Protection, a reference will be made to the Fire
32 Department letter. "The applicant shall comply with the Framingham Fire Department as
33 specified in their letter to the Planning Board dated March 25, 2003" will be included.
34 Condition #34: delete the word "its" before Town Counsel. Jay will look up the specific
35 chapter and section that is missing. Insert the word "current" before state and federal
36 guidelines. Condition #35: "installation" irrigation wells and delete the word "any".
37 Condition 36: Insert "from West Plain Street to Lake Street". Condition #39: The
38 Traffic and Roadway Safety Committee's opinion will be sought regarding truck routes.
39 In other instances, the applicant proposes a truck route and it is reviewed by the Traffic
40 and Roadway Safety Committee, Jay said. "The applicant prior to the commencement of
41 any site activity, shall submit a proposed truck route for construction vehicles to the
42 Planning Board and Traffic Safety Officer for review and approval." The applicant shall
43 provide each contractor with a copy of the approved route."

44
45 Page 25, #21F, before the words "provisions for the" insert "establishing and monitoring"
46 of age qualified; affordable units.

1
2 Condition #41 is the TMA. There was discussion on the issue and Jay suggested the
3 following language: "The applicant shall develop a TDM program in conjunction with
4 the TMA prior to or in conjunction with their filing of each definitive development
5 phase." Members agreed.
6

7 Condition 31: Tom would like a statement that the open space will be consistent with the
8 open space plan. Language will be inserted that the applicant shall implement to the
9 extent feasible, the guidelines in the open space plan. Ann asked about connecting the
10 existing trail networks. Tom said the Metrowest Growth Management letter spoke to that
11 issue. Jay said that was an objective to the open space plan and therefore was covered.
12

13 Larry returned to the issue of the \$400,000 being separated out in the mitigation. He said
14 the assigned mitigation based on the developers estimate results in \$2.3 million dollars
15 and the \$400,000 is set aside to be assigned by the Planning Board. Jack said the
16 mitigation is \$2.7 million and he was concerned about an obligation to spend more than
17 that amount. The sidewalks on OCP, additional studies at Concord/School, School/OCP
18 and monitoring of traffic were all different things the Board has talked about, Jack said.
19 Larry said those are not the assigned mitigation. The assigned mitigation is \$2.3 million.
20 Larry wanted the language broad enough so that if all the funds were not used, the
21 Planning Board could assign the money. Sue said the Board normally says that if the
22 mitigation does not reach the allotted dollars, the Planning Board can use it for other
23 infrastructure. Larry said that is the way the mitigation was dealt with in Farm Pond.
24 Larry wanted language stating assigned mitigation at \$2.3 million and \$400,000 set aside.
25 Helen thought additional undefined mitigation would come from the \$400,000 including
26 the OCP sidewalks. It was reiterated that if a mitigation project runs over the applicant's
27 estimate, the applicant is still obligated to do the work. Jack said exhibit A notes the
28 scope and value. Jack asked if the remaining balance of \$400,000 will be utilized to deal
29 with items such as OCP sidewalks. Members commented that a commitment was already
30 made by the Board to do the sidewalk.
31

32 Page 22: Condition #9: Insert: "The Applicant shall complete the improvements
33 specified on Exhibit A, which is estimated to cost \$2.3 million dollars. The sum of
34 \$400,000 shall be made available by the Applicant for the cost of the improvements
35 specified in Condition #36 and #37 (Sidewalk on OCP and Stearns Street connection) and
36 any additional future mitigation required by Exhibit A. The use of any remaining funds
37 shall be at the discretion of the Planning Board for other project impacts. In the event
38 that the Planning Board decides not to make the improvements in Condition #36 and #37,
39 and future mitigation, the applications obligations shall cease and said funds shall
40 similarly be available for use by the Planning Board in its discretion for other project
41 impacts."
42

43 Page 18: The number of all the conditions need to be filled in on line 146. It is now 1-
44 41.
45

1 Helen asked Jay for any issues that need to be addressed. Jay thought everything was
2 covered. All the waivers were deleted and there were no changes to the language for
3 waiver #A.

4
5 **Motion by Tom Mahoney that the Framingham Planning Board approve the**
6 **application of National Development for special permit for Planned Unit**
7 **Development (PUD) for the Villages at Danforth Farm dated March 31, 2003 and as**
8 **stipulated in document #393-03 as amended here tonight including all the exhibits as**
9 **stated in the public hearing. Motion was seconded by Sue Bernstein. Discussion:**
10 Sue said she thought the Board was sensitive to the abutters concerns but thought the
11 project would provide positive impacts for the town. Larry congratulated the 4 Planning
12 Board candidates for being present through the discussion. **Vote: 5-0.**

13
14 **Motion by Ann Welles and seconded by Tom Mahoney that the Planning Board**
15 **adjourn the meeting. Vote: 5-0.**

16
17 Respectfully submitted,

18
19 Nancy Starr-Ferguson
20 Recording Secretary

21
22 **These minutes were approved, with changes and/or amendments, at the Framingham*
23 *Planning Board meeting of May 10, 2004.*

24
25
26
27 _____
28 *Thomas Mahoney, Chairman*
29
30
31
32
33
34
35
36